UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/99
26 December 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 18 (b) of the provisional agenda

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS: NATIONAL INSTITUTIONS AND REGIONAL ARRANGEMENTS

National institutions for the promotion and protection of human rights

Report of the Secretary-General submitted in accordance with resolution 2000/76

I. INTRODUCTION

1. The present report is submitted pursuant to Commission on Human Rights resolution 2000/76, in which the Commission, welcoming the rapidly growing interest worldwide in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights and convinced of the important role such institutions play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of international human rights standards, reaffirmed the importance of establishing effective, independent, pluralistic national institutions for the promotion and protection of human rights, in conformity with the Principles relating to the status of national institutions adopted by the General Assembly in resolution 48/134 of 20 December 1993.

2. The Commission also requested the Secretary-General to continue to provide, from within existing resources and from the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for international and regional meetings of national institutions.

II. THE WORK OF THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR)

3. From 30 November 1999 (the date of the report submitted under resolution 1999/71 to the Commission at its fifty-sixth session) to 30 November 2000, OHCHR continued implementation of its activities on national institutions, which included advisory missions by the High Commissioner's Special Adviser on National Institutions, Regional Arrangements and Preventive Strategies and/or staff members of the Office to Cambodia, Canada, Ecuador, Fiji, Guyana, Jamaica, Jordan, Kenya, Mexico, New Zealand, Nepal, the Philippines, Sierra Leone, St. Lucia, South Africa, Sweden and Thailand.

4. Advice concerning appropriate legislation for the establishment of a national institution was provided by the Special Adviser in Cambodia, Guyana, Jamaica, Kenya, Nepal, the Republic of Korea, Sierra Leone, Trinidad and Tobago and Thailand. Relevant technical cooperation activities continued in Bolivia, Ecuador, El Salvador, Georgia, Guatemala, Indonesia, Malawi, the Republic of Moldova, South Africa, Uganda and in Palestine. Further consultations on cooperative agreements continued with established institutions in Colombia, Ecuador, Fiji, Indonesia, Malawi, Mexico, Rwanda and Sri Lanka.

5. Cooperation continued with the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Volunteers Programme (UNV), the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe, and the Commonwealth, in particular within the framework of national technical cooperation projects.

III. COOPERATION BETWEEN UNITED NATIONS HUMAN RIGHTS TREATY BODIES AND NATIONAL INSTITUTIONS

6. As increasingly recognized in various international forums, national institutions play an important role in the realization of human rights at the national, regional and international levels. They advocate for the ratification of international human rights treaties and advise Member States concerning reservations they have made to these instruments; provide assistance in drafting legislation in compliance with international norms; monitor the implementation of international instruments at the national level; contribute to State compliance with reporting obligations to treaty monitoring bodies; facilitate the follow-up process to the committees' consideration of national reports and their concluding observations; make contributions under specific plans of action to strengthening the implementation of adopted conventions; stimulate debate at the national level on specific human rights issues and contribute to the promotion of a culture of human rights at all levels. Accordingly, OHCHR has provided input to the various treaty bodies concerning national institutions and where possible included representatives of the treaty bodies and special mechanisms in meetings of national institutions.

IV. ACTIVITIES OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

A. International and regional meetings of national institutions

7. At the international level, OHCHR supported the Fifth International Workshop of National Human Rights Institutions held in Morocco in March 2000. At the regional level, OHCHR supported the fifth Annual Meeting of the Asia-Pacific Forum of National Human Rights Institutions, held in New Zealand in August 2000. OHCHR also attended the second Regional Meeting of National Institutions for the Promotion and Protection of Human Rights in the Americas in November 2000 and supported the fifth Annual Congress of the Iberoamerican Federation of Ombudsmen, both held in Mexico in November 2000. All these meetings upheld the call by the Commission at its fifty-sixth session to encourage the participation of national institutions in preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

8. In May 2000, OHCHR, along with the Asia-Pacific Forum of National Human Rights Institutions and the Fiji Human Rights Commission, organized a regional meeting relating to women's rights and in November 2000, in co-sponsorship with the Government of Canada and in collaboration with the Philippine Human Rights Commission and the Canadian Human Rights Foundation, conducted a workshop for national institutions and non-governmental organizations regarding economic, social and cultural rights.

B. The role of national institutions in preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

9. In its resolution 2000/76, the Commission on Human Rights encouraged the appropriate participation of national institutions in preparations for the World Conference and affirmed the important role of national human rights institutions in combating racial and related forms of discrimination. The Fifth International Workshop of National Human Rights Institutions called upon States to ratify the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families. In her address to the eighth session of the International Coordinating Committee, the High Commissioner urged national institutions to do their utmost to ensure that their respective Governments ratify the Convention.

10. OHCHR has been informed of a number of joint initiatives of national institutions and NGOs to develop practical solutions to combat racism and is encouraged to see in the regional meetings of the Asia-Pacific Forum and of national institutions in the Americas and the Caribbean practical discussions regarding racism and the rights of migrants, refugees, internally displaced persons and indigenous peoples.

11. The Regional Workshop on the Role of National Human Rights Institutions in Advancing the International Human Rights of Women held in Fiji in May 2000 noted its concern that racism frequently compounds the discrimination experienced by women. Participants urged the World Conference to recognize that national human rights institutions generally have mandates to deal

with discrimination and other forms of racial intolerance and to consider ways in which the role of such institutions can be strengthened, in particular with respect to women and other groups within society that are vulnerable or marginalized.

C. Protection and promotion of the human rights of women by national institutions

12. In resolution 2000/76, the Commission on Human Rights recalled the Platform for Action adopted by the Fourth World Conference on Women, in which Governments were urged to create or strengthen independent national institutions for the promotion and protection of human rights and affirmed the role of national institutions in the protection and promotion of the human rights of women.

13. The Regional Workshop in Fiji called upon Governments to create and/or strengthen national mechanisms for the advancement of the rights of women and to integrate a gender perspective into legislation, policy discussions that underpin industry and trade agreements and global initiatives considered by Government, educational curricula and other relevant programmes and projects. The Workshop urged both the public and private sectors to ensure that appropriate information is made available to relevant United Nations bodies. The Workshop also urged national institutions to pay greater attention to the economic, social and cultural rights of women, including to shelter, food, water, primary education and primary health care, as fundamental rights, as well as to sexual and reproductive rights. The Workshop called for the Committee on the Elimination of Discrimination against Women to hold one of its sessions in the Pacific region.

D. Protection and promotion of the human rights of the child by national institutions

14. OHCHR has encouraged national institutions to establish national focal points or specific human rights commissioners dealing with child rights and/or to work closely with other existing national bodies such as children's ombudsmen. Participants at the Fifth International Workshop for National Institutions for the Promotion and Protection of Human Rights, held in Rabat from 13-15 April 2000, called upon national institutions to continue their activities to promote and protect children's rights in accordance with existing international treaties and conventions and to remain vigilant in the fight against the abuse of children, who are often amongst the most vulnerable groups in society. OHCHR regularly briefs the Committee on the Rights of the Child regarding specific national institutions' activities relating to children.

E. Protection and promotion of economic, social and cultural rights by national institutions

15. The Fifth International Workshop noted that the fight against poverty and the effective enjoyment of economic, social and cultural rights by all persons constitute priorities for action by national institutions. At the eighth session of the International Coordinating Committee, the High Commissioner noted that national institutions, as a bridge between Governments and civil society, are well placed to ensure that more attention is accorded these fundamental rights. The High Commissioner also focused on the right to health, noting the important role that national institutions can play in relation to HIV/AIDS.

16. In Manila in November 2000, national institutions of the Asian-Pacific region met with NGOs to undertake training relating to economic, social and cultural rights so that they can play a more effective role in their progressive realization. National institutions agreed to focus on particular aspects which were of immediate relevance to their national context and to encourage Governments to ratify the International Covenant on Economic, Social and Cultural Rights and move to adoption of an optional protocol to the Covenant.

V. CONCLUDING REMARKS

17. OHCHR recognizes the important role that national institutions can play in the realization of all human rights at the national, regional and international level. It encourages exchanges between national institutions and the United Nations human rights machinery and facilitates activities to promote this exchange, including through seminars, workshops, training activities, preparation of information and initiatives aimed at establishing and strengthening national institutions.

18. During the reporting period particular emphasis was given by OHCHR to facilitating the exchange of national institutions' practices in the promotion and protection of economic, social and cultural rights and the rights of women and children.

19. Regional or subregional meetings of established national institutions have proved very useful for sharing experiences and information on particular human rights concerns, as well as enabling Governments in the process of establishing such institutions to acquire information on experiences in other countries. OHCHR will continue supporting these regional consultations and endeavour to participate more actively and substantively in meetings at the regional level.

20. OHCHR will continue to encourage national institutions, as official observers at the World Conference, to engage in the preparatory processes for the Conference and to develop practical initiatives to address racism, racial discrimination, xenophobia and related intolerance in their own countries.